

APPROVED: Meeting No. 8-86

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 1-86

January 13, 1986

The Mayor and Council of Rockville, Maryland, convened in executive session in the City Manager's Conference Room, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, January 13, 1986, at 7:00 p.m. to discuss litigation.

PRESENT

Mayor Steven Van Grack

Councilman James F. Coyle
(arrived at 7:10 p.m.)

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: Acting City Manager Daniel Hobbs, City Clerk Helen Heneghan, City Attorney Paul Glasgow.

Re: Adjournment

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 7:50 p.m. to convene again in general session at 8:00 p.m.

Re: General Session

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, January 13, 1986, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman James F. Coyle

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: Acting City Manager Daniel Hobbs, City Clerk Helen Heneghan, City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Hobbs reported the following:

1. The City has been closely monitoring the Holladay/Tyler plant activities in light of complaints from the neighborhood. A letter will be sent to Holladay/Tyler requesting a meeting between the Mayor and Council and officials of the company and a letter will be sent to the State requesting a copy of all orders regarding Holladay/Tyler.

2. An official meeting is being called by the Education Commission of all the Rockville PTSA's and also those PTSA's serving Rockville students. It will be held Wednesday, January 29, at the Civic Center Mansion.

3. A meeting was held with the County Executive to request the City's share of the Hotel/Motel Tax. This would enable the City to receive a share of those revenues generated within the corporate boundaries. Throughout the State of Maryland, eight municipalities share with their counties. There is legislation now in Annapolis requesting this be done.

Mayor Van Grack commended Mr. Hobbs on the fine job he did in preparing the report for the meeting with the County Executive.

Mayor Van Grack explained the process the City had used with the services of Korn/Ferry International to bring about the hiring of a new City Manager. Seven candidates were brought before the Council and after extensive interviews

and reference follow up the City has chosen Richard V. Robinson to be the new City Manager of Rockville, effective February 18, 1986.

Re: Resolution: To
appoint Richard V.
Robinson, City
Manager of Rockville

Resolution No. 1-86

On motion of Councilman Abrams, duly seconded and unanimously passed, Richard V. Robinson was named City Manager of the City of Rockville effective February 18, 1986, by Resolution No. 1-86.

Councilman Hartogensis said the Mayor and Council looked long and hard and he is quite pleased with the choice. It is possibly the most important decision the Mayor and Council will make and it will have a great impact on Rockville's future.

Councilman Duncan congratulated Mr. Robinson on the level of his experience most recently in Lakewood and formerly as City Manager of Cleveland Heights, Ohio.

Councilman Coyle commented on the excellent process this city used. He said how proud he is of the choice. He knew Mr. Robinson previously when Councilman Colye was an employee of ICMA and worked on a project with the City of Cleveland Heights. He was most impressed by Mr. Robinson's comments during the interview and his progressive thinking concerning housing for the elderly and moving young people back into the community. He feels Rockville's tradition of excellence will be carried on and Mr. Robinson will be a credit to the City.

Councilman Abrams welcomed Mr. Robinson. He said he looks forward to the opportunity of working with him. He commended his colleagues on the Council, the dedication with which they undertook the process and adhering to the principals of the City's form of government. And he feels an excellent choice has been made. He complimented Dan Hobbs, the interim City Manager on the fine job he

has done in Rockville and he hopes will continue. He added that unless there were such stiff competition, Mr. Hobbs would have been selected and he could not pass up this opportunity to commend him.

Mayor Van Grack introduced Mr. Robinson to the audience. Mr. Robinson expressed his pleasure at being chosen and said he looks forward to the opportunity of working with the Mayor and Council and the citizens of Rockville.

Re: Appointments

Mayor Van Grack with the confirmation of the Council, made the following appointments:

Economic Development Commission: Robert Turner, reappointed two-year term

Human Rights Commission: Peri Jude Radecic, appointed, four-year term
310 Croydon Avenue

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Robert Jacques, 629 Aster Boulevard. Mr. Jacques said he has read a proposal in a local newspaper that would allow non-resident property owners to vote in City elections. He has a problem with this since there are a number of permanent non-citizens who live in the City 15-20 years while maintaining a legal domicile in another state for tax purposes. He would hope the City would not allow this. The Mayor and Council informed Mr. Jacques that the City's newly formed Election Task Force would be looking at this along with any other suggestions and he should definitely keep apprised of their actions. They in turn will be bringing recommendations to the Mayor and Council for final action.

2. John Saparez, Baha'is of Rockville. Mr. Saparez brought to the Mayor and Council the warm and sincere new year's wishes of the Baha'is and said the Baha'is had issued a peace statement and are working toward the celebration of

the year of peace as proclaimed by the United Nations. A copy of their statement of peace was presented to the members of the Council and the staff.

3. Michael McGarvey, 4 Dundee Court. Mr. McGarvey addressed item number 15 on the agenda and said he feels the City is not looking at a broad picture in turning down this request for annexation. It is a choice location and the citizens have extracted promises from the developer to protect the neighborhood. Denying the annexation will increase the cost at a future time and make it more difficult for the citizens to deal with the developer. He said he would appreciate the Mayor and Council's reconsideration of the denial and look at the highest and best use of the property.

4. John Tyner, 5911 Halpine Road. Mr. Tyner spoke on behalf of the Twinbrook Citizens Association Land Use Committee and asked that the Mayor and Council examine the record and deny the rezoning application at the Norris Property, M-45-85.

5. Lisa Taylor, 303 Lynn Manor Drive. Ms. Taylor addressed the Schivaone Tract Annexation and suggested the property does not lend itself to residential. It is alarming to think of people coming down that hill into Rt. 28 traffic. If the entrance to the property is not allowed through Guy Court, residential cannot be done.

6. Mark Allen, Farmland PTA. Mr. Allen thanked Sondra Robinson of the Community Resources Department who helped the neighborhood get through a period of unrest recently working with parents and faculty of Farmland elementary school. He thanked her for her efforts.

Mr. Allen requested the public hearing scheduled for this evening on T-70-85 be continued until two weeks from tonight in order for the neighborhood to hear the Planning Commission's recommendation on the text. Councilman Abrams suggested a decision not be made until the Mayor and Council see how the process goes.

7. Mansfield Kaseman, 704 Carter Drive, Director of Community Ministries. Rev. Kaseman commended the Mayor and Council for making the men's overflow shelter possible. He said right now they are looking to extending the hours and more volunteers are needed. He said the shelter is servicing an average of sixteen people per night. It rises to twenty when the temperature drops.

8. Anna Cross, 108 North Stonestreet Avenue. Ms. Cross protested to the Mayor and Council on the police actions when they came on New Year's Eve and broke up a party that was going on at the Lincoln Park Community Center since liquor was being served without a permit. She said the party had been held every New Years for four years. It discouraged neighborhood driving. She asked that it be continued. Mr. Hobbs said he would share a follow up report with the Mayor and Council.

9. Jeryl Gegan, Vice Chairman of the Rockville Housing Authority. Mr. Gegan invited the Mayor and Council to a program commemorating Martin Luther King at the Housing Authority on Moore Drive on Wednesday, at 7:00 p.m. It will be an opportunity to recognize some people who have made contributions to the Housing Authority in the past year.

10. Diane Gould, 5 Eaglebrook Court, Bd. of Directors of Potomac Springs. Ms. Gould asked the Mayor and Council to postpone the public hearing on T-70-85 for two weeks since the neighborhood is awaiting the recommendations of the Planning Commission and will need time to study them.

11. Ellen Offit of the Rockville Housing Authority. Ms. Offit reiterated Ms. Cross' complaints of a premature ending of the New Year's Eve party in Lincoln Park. She would like to see this activity continued.

12. William Kominers addressed the Mayor and Council concerning agenda item number 11 on the text amendment for preliminary review. He said he would like an opportunity to address the Mayor and Council and brief them. Councilman

Hartogensis explained the process and what is before the Mayor and Council is not a hearing it is simply preliminary review. Mr. Kominers was asked to make himself available for questions, if necessary, at that time of the evening when the matter is discussed.

13. Paul Gibson, President, North Farm Citizens Association. Mr. Gibson asked the Mayor and Council to consider postponement of the hearing on T-70-85 so that the neighborhood can have an opportunity to come before the Mayor and Council to address the new proposals from the Planning Commission this evening.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Public Hearing: Text
Amendment Application
T-70-85, Fortune Parc
Development, Appli-
cant, request to
amend the text of the
Zoning Ordinance to
apply the procedures
of Comprehensive
Planned Development
to the I-3 zone

The Mayor and Council held a public hearing on Text Amendment Application, T-70-85, Fortune Parc Development, Applicant, requesting to amend the Zoning Ordinance to apply the procedures of Comprehensive Planned Development to the I-3 Zone, and heard those persons as will be found in the official stenographic transcript of the hearing. The Mayor and Council agreed to continue the hearing until January 27, 1986, at 9:00 p.m..

Re: Public Hearing: X-98-85, Red Gate Limited Partnership, Applicant, request to enlarge the corporate boundaries by adding 319,871 square feet of land, located at the interchange of Shady Grove Road and I-270, and placing it in the I-3, Industrial Zone

The Mayor and Council conducted a public hearing on Annexation Petition, X-98-85, Red Gate Limited Partnership, Applicant, to enlarge the corporate boundaries by adding 319,871 square feet of land, located at the interchange of Shady Grove Road and I-270, and placing it in the I-3 Industrial Zone, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other person wishing to be heard, the Mayor closed the hearing with the record to be held open for 30 days.

Re: Public Hearing: Street Closing and Abandonment Application, SCA-49-85, Hershey Investment Co., Applicant, requesting the abandonment of 9,682 square feet of land on Church Street

The Mayor and Council conducted a public hearing on Street Closing and Abandonment Application, SCA-49-85, Hershey Investment Co., Applicant, to abandon 9,682 square feet of land on Church Street, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other person wishing to be heard, the Mayor closed the hearing with the record to be left open for three weeks.

January 13, 1986

Re: Decision and
Instructions to staff
re: Map Amendment
Application, M-45-85,
William Fisher,
Applicant, request to
rezone 3.45525 acres,
at 905 Veirs Mill
Road from the present
R-60, Residential
Zone to O-1, Office
Zone

M-45-85 is a Map Amendment Application of William Fisher requesting the property at 905 Veirs Mill Road be rezoned from the present R-60, one-family Residential Zone to the O-1 Office Building Zone. A public hearing was held on November 18, 1985.

Councilman Hartogensis stated that neither a change nor a mistake in zoning was shown during the testimony on record. The lot is not irregular and there is nothing unique to justify a change. A rezoning would cause awkward access and rezoning could also cause the commercial zoning to spread.

Councilman Duncan moved, duly seconded that the staff prepare the necessary legal documentation to deny the application.

Councilman Abrams supported the motion. He suggested the neighborhood planning process avenue should be explored by those concerned with the ultimate use of the property.

Councilman Coyle concurred. He said that although some favorable mail was received, it did not represent the full view of those directly affected.

Mayor Van Grack concurred with Councilman Hartogensis' statement saying there was no change in the character or mistake to warrant any reclassification.

Councilman Duncan's motion passed unanimously.

Re: Approval of testimony for
Montgomery County hearing
on cable television

On motion of Councilman Duncan, duly seconded and unanimously passed, the

Mayor and Council approved the testimony which will be presented by the Mayor at the cable television public hearing on January 22.

Re: Adoption of Resolution:
To establish Consent
Agenda

Resolution No. 2-86

On motion of Councilman Hartogenesis, duly seconded and unanimously passed, the Mayor and Council approved Resolution No. 2-86, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, establishing a consent agenda.

Re: Preliminary Review and
Referral of Text
Amendment, T-74-85,
Westmont Associates,
Applicant

The subject Text Amendment, if adopted, would eliminate the necessity of obtaining a special exception for certain uses in a Comprehensive Planned Development. The Comprehensive Planned Development special development procedure is currently applicable to large planned developments in the new O-3, Restricted Office Zone.

Section 5-703 specifies that the uses allowed in a Comprehensive Planned Development, including all special exception uses of the I-3 Zone excluding helistops and restaurants, shall be special exception uses in an O-3 Zone Comprehensive Planned Development. The subject Text Amendment would permit the Mayor and Council to authorize these uses as part of its approval of a Concept Plan application for a Comprehensive Planned Development. Any Special Requirements of the special exception uses, however, would still be applicable.

This amendment is procedural rather than substantive, and would expedite the processing of a Comprehensive Planned Development somewhat. Therefore, the staff believes it should be accepted for further review.

Mr. Kominers, Attorney for the Applicant, requested that the Mayor and Council seek a time limit from the Planning Commission in order to coordinate this text amendment with the hearing on CPD-1-85. Councilman Hartogensis asked that the text amendment be referred to the Board of Appeals for their comments.

On motion of Councilman Abrams, duly seconded and unanimously passed, Text Amendment Application, T-74-85, was referred to the Planning Commission for further review.

Re: Adoption of Ordinance: To
amend Chapter 17 of
the Laws of Rock-
ville, entitled
"Sediment Control and
Storm Water Manage-
ment", so as to make
changes required by
the State Water
Resources Administra-
tion and other
revisions

Ordinance No. 1-86

On motion of Councilman Abrams, duly seconded and unanimously passed, the proposed ordinance was amended as recommended by staff.

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 1-86, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, amending Chapter 17 of the "Laws of Rockville", entitled "Sediment Control and Storm Water Management", so as to make changes required by the State Water Resources Administration and other revisions, was adopted as amended.

Re: Adoption of Resolution:
To approve Sediment
Control and Storm Water
Management Regulations
pursuant to Chapter 17.

Resolution No. 3-86

On motion of Councilman Duncan, duly seconded and unanimously passed,

Resolution No. 3-86, the full text of which can be found in Resolution Book No. 8, of the Mayor and Council, approving the Sediment Control and Storm Water Management Regulations pursuant to Chapter 17, was adopted.

Re: Adoption of Resolution:
To amend the rate and
schedule of contribution
for off-site storm water
management pursuant to
Chapter 17.

Resolution No. 4-86

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 4-86, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, amending the rate and schedule of contribution for off-site storm water management pursuant to Chapter 17 was adopted.

Re: Adoption of Resolution:
To deny Annexation
Petition, X-96-85,
Covenant/Schiavone,
Applicant

Resolution No. 5-86

On motion of Councilman Duncan, duly seconded and passed, Councilmembers Abrams and Hartogensis voting nay, Resolution No. 5-86, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, denying Annexation Petition, X-96-85, was adopted by the Mayor and Council.

Re: Staff comments on FY
87 MC Public School
Operating Budget

Councilman Duncan suggested that the Mayor and Council await remarks from the Education Commission. Councilman Abrams asked that the Education Commission, in preparing their testimony, emphasize special programs for Richard Montgomery and offer any City assistance in whatever way. He also asked that the Board be requested to conduct a comprehensive survey in the City in order to find out where Rockville students are going to school. He said it is incumbent for the Mayor and Council to pass their wishes on to the commission. Mayor Van

Grack also asked that the Commission look into the question of Lakewood students being transferred to Fallsmead.

Re: Adoption of
Resolution: To
establish fees for
tenant fit-ups and
alterations in new
and existing non-
residential buildings

Resolution No. 6-86

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Resolution No. 6-86, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, establishing fees for tenant fit-ups and alterations in new and existing non-residential buildings, was adopted by the Mayor and Council.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Legislators response to request for signal correction at Falls Road and Kersey Lane
2. Cherry K. Glazer, re building management problem

Councilman Coyle asked for a report back on this and also asked the staff to look into the same situation at Jefferson Plaza.

3. Elizabeth Spano, re R.M. Grounds Subcommittee

Councilman Hartogensis asked that a meeting be arranged with this committee and the Mayor and Council.

4. Glen Looper, re HB 617-86
5. C. Gilchrist, re cable television contract

Mayor Van Grack noted this letter commending staff member Dan Hobbs and Don Vandrey.

6. E. Palamara, re Police Auction

Mayor Van Grack noted this letter commending staff member Mike Taylor and Steve Right

7. David Brown, re parking on Stonestreet

Mr. Hobbs said the Traffic and Transportation Commission will be holding a forum on this at the end of the month.

8. Mrs. W. P. Wilson, re leaf collection

9. Ruth Hanessian, re Animal Control Matters

In answer to the Council's question, the City Clerk explained that a work session will be held with the Animal Control Board on January 21.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Information from Director of Public Works on Traffic Signals
2. Senior Center Newsletter
3. Notice of PGA membership for Brooks Gerardi
4. Response to citizen complaint
5. Proposed amendment to Master Plan inspection requirement in real estate contracts

The City Attorney was instructed to bring back an ordinance amending the present ordinance.

6. Proposed amendment to Human Rights Ordinance

The City Attorney was instructed to bring back an ordinance amending the present ordinance.

7. Information on Legislative dinner

The Mayor and Council said they would be attending.

8. Memo on status of hotel construction
9. Information on Police issues
10. Memo from City Attorney re Rand v. Mayor and Council
11. Memo from CDHA re Rockville Metro Center Leasing
12. Memo re application for funding of Phase II, Rockville Pike Study
13. Information on meeting with East Rockville Civic Association
14. Memo on status of Public Relations Initiatives

Re: New Business

1. Councilman Duncan asked the City Clerk to report soon on the Archives matter.

2. Councilman Coyle said heavy duty vehicles are being parked overnight on streets in residential neighborhoods. He said he would like staff recommendations on this.

3. Councilman Hartogensis asked if the staff has any further information on the eight acre parcel in Potomac Woods. He said he would like to have something done to add it to the park system. Mr. Hobbs said it is currently dedicated as park land and no further action is necessary.

4. Councilman Abrams asked if the staff would return with recommendations for and against carnivals in the City. If the Mayor and Council were to allow them what would have to be done.

5. Councilman Abrams asked that on a future agenda the Mayor and Council discuss supporting changes to the County's Planning Process.

6. Councilman Abrams said it is important that the Election Task Force be appointed soon as it is possible some of the City's concerns might need to be addressed through legislation. If so, this must be done speedily. The Mayor and Council asked that an item be placed on their agenda soon concerning the legislative bills before the Assembly so that a City position can be adopted.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 53-85, December 2, 1985, were approved as corrected.

On motion of Councilman Coyle, duly seconded and unanimously passed, the Minutes of Meeting No. 54-85, December 16, 1985, were approved as written.

Meeting No. 1-86

-16-

January 13, 1986

Re: Adjournment

There being no further business to come before the Council in general session, the meeting was adjourned at 1:50 a.m. on Tuesday, January 14, 1986, to convene again in work session on Tuesday, January 21, 1986, at 7:30 p.m. or at the call of the Mayor.